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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,748	07/12/2006	Adar Golad	U 016391-3	1494
140	7590	10/30/2008	EXAMINER	
LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			KLAYMAN, AMIR ARIE	
			ART UNIT	PAPER NUMBER
			4157	
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			10/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,748	<b>Applicant(s)</b> GOLAD, ADAR	
	<b>Examiner</b> AMIR KLAYMAN	<b>Art Unit</b> 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/12/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. The abstract of the disclosure is objected to because the abstract may not include other parts of the application (i.e. drawing). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 11-12, 17, 21-22, and 25 are rejected under 35 U.S.C. 102(b) as being unpatentable by Freedman US 2634132.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 1. (Original) Freedman discloses: Layout game (***col 1, In 1-2 card game***) comprising a number of cards (***fig 3, in. 10-13***) having images (***fig 3, in. 21-24***) which when playing the game have to be laid out in matching connections, (***fig 1 the results of assembled the four cards 10-13 and col 1, In 49-55 explanation regarding fig 1***) wherein the images are spaced from at least one border portion of the cards. (***fig 3 wherein images in. 21-24 and card border in. 15***)

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regarding claim 2. (Currently Amended) Freedman discloses: wherein the cards are at least partially made of transparent material, **(col 1, ln 9-12)** in particularly a border area located between the image and the said border portion. **(figs 1&3 the transparent cards wherein the images(in. 21-24) in corresponded to the card border(in. 15))**

Regarding claim 3. (Currently Amended) Freedman discloses: wherein the images are spaced from at least half the circumferential border of the cards. **(fig 3, card 11 wherein image 22 spaced at least half circumferential of the border 15, same card 13 with image 24 spaced at least half circumferential of the border 15)**

Regarding claim 4. (Original) Freedman discloses: wherein the images are spaced from at least almost the entire circumferential border of the cards. **(fig 3, wherein cards 10-13 have image indicia 25 thereon spaced from at least the entire circumferential of the border 15)**

Regarding claim 11. (Currently Amended) Freedman discloses: wherein the cards are polygonal **(figs 1&3(in. 10-13))**

Regarding claim 12. (Original) Freedman discloses: wherein the cards are rectangular. **(figs 1&3(in. 10-13))**

Regarding claim 17. (Original) Freedman discloses: wherein the image matches at least one comer. **(fig 3, card 10, image 25 (the number 10 thereon in the corner))**

Regarding claim 21. (Original) Freedman discloses: Card suitable **(fig 3, cards 10-13, image 25 thereon (numbers 10& 20))** and intended for a layout game. **(col 1, In 1-2-invention related to card games)**

Regarding claim 22. (Original) Freedman discloses: Packaging containing a stack of cards. **(fig 4 packaging 35 containing the stack of cards).**

Regarding claim 25. (New) Freedman discloses: Layout game **.(col 1, In 1-2-invention related to card games)** comprising a number of cards **(fig 3, cards 10-13)** having a border **(fig 3, border 15)** and having images **(fig 3, images 21-24)** which when playing the game have to be laid out in matching connections, **(fig 2 way of matching, fig 1 the outcome of the particular layout)** wherein the images are spaced from at least one portion of the border of the cards so as to form card border areas between the image and the border, wherein said card border area is transparent. **(figs 1&3 wherein images 21-23 thereon on cards 10-13 respectively and wherein images 21-23 are spaced from border 15)**

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman US 2634132.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 7. (Original) Freedman does not disclose: wherein the images are triangular however, Freedman explicitly suggested that the indicia may be fragmentary or partial sketches or drawing of familiar objects (***col 1, In 17-20***). It would have been obvious at the time the invention was made to modify Freedman's images shape by his own explicit suggestion and to have the images as triangular for the reason that a skill artisan would be motivated to do so as a choice in design.

Regarding claim 8. (Original) Freedman does not disclose: wherein the images form the game triominos however, Freedman discloses: that it will be obvious to modify the game to play different games with drawing (images) familiar objects (***col 2, In 2-8***). Therefore, It would have been obvious at the time the invention was made to modify Freedman card game by is own suggestion and to create the images according the trade marked game of triominos.

6. Claims 5-6, 9-10, 13-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman US 2634132 as applied to claim 1 above, and further in view of Niederlitz US 83342

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 5. (Currently Amended) Freedman discloses: if desire other indicia may be applied (**col 2, In 59-60**) however, does not disclose: wherein the images have a shape that is similar to the cards.

Niederlitz discloses: wherein the images have a shape that is similar to the cards. (**fig 1**) therefore, it would have been obvious at the time the invention was made to modify Freedman's images shape as taught by Niederlitz for the reason that a skill artisan would be motivated to do so as a choice in design since Freedman explicitly suggest that any other indicia may be applied.

Regarding claim 6. (Currently Amended) Freedman discloses: if desire other indicia may be applied (**col 2, In 59-60**) however, does not disclose: the images are polygonal. Niederlitz discloses: the images are polygonal. It would have been obvious at the time the invention was made to modify Freedman's images shape as taught by Niederlitz for the reason cited in claim 5.

Regarding claim 9. (Original) Niederlitz discloses: wherein the images are rectangular. (**fig 1 a rectangular image within a rectangular card**)

Regarding claim 10. (Original) Niederlitz discloses: wherein the images form the game dominoes.**(fig 1 and col 2, In 3-domino representation)**

Regarding claim 13. (Currently Amended) Freedman discloses: wherein the said border portion forms a side of the polygon **(fig 3, cards 10-13 with polygon side border 15)** however, Freedman does not disclose: ,wherein the images are polygonal and images have a shape that is similar to the cards.

Niederlitz discloses: the shape of the cards as polygonal and have the shape similar to the card **(fig 1)** therefore, it would have been obvious at the time the invention was made to modify Freedman's images shape as taught by Niederlitz for the reason that a skill artisan would be motivated to do so as a choice in design since Freedman explicitly suggest that any other indicia may be applied **(col 1, In 17-20)**.

Regarding claim 14. (Currently Amended) Freedman discloses: wherein the images are spaced from at least half the circumferential border of the cards **(fig 3, card 13 wherein image 24 at least half the circumferential border 15)** and wherein the said half of the circumferential border forms two or more sides of the polygon.**(fig 3, card 12 with image 23 thereon)**

Regarding claim 15. (Original) Niederlitz discloses: wherein the said sides match each other.**(fig 1, and col 2, In 3-5-the domino images are symmetrically)**



Regarding claim 16. (Original) Freedman does not disclose: wherein the image is centred with respect to the card however, Niederlitz discloses: wherein the image is centred with respect to the card **(fig 1, and col 2, In 3-5-the domino images are symmetrically)**

It would have been obvious at the time the invention was made to modify to modify Freedman's images shape as taught by Niederlitz for the reason that a skill artisan would be motivated to do so merely as a choice in design since Freedman explicitly suggest that any other indicia may be fragmentary or partial sketches or drawing of familiar objects my be applied **(col 1, In 17-20)**.

Regarding claim 19. (Currently Amended) Freedman discloses: any other indicia may be fragmentary or partial sketches or drawing of familiar objects may be applied **(col 1, In 17-20)** however, does not disclose: wherein at least one border portion of the image is parallel to a border portion of the card.

Niederlitz discloses: wherein at least one border portion of the image is parallel to a border portion of the card.**(fig 1)** therefore, It would have been obvious at the time the invention was made to modify Freedman's images shape as taught by Niederlitz for the reason that a skill artisan would be motivated to do so merely as a choice in design.

Regarding claim 20. (Original)Niderlitz discloses: wherein the circumferential border of the image is substantially parallel to the circumferential border of the card.**(fig 1)**

7. Claim18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman US 2634132 as applied to claim1 above, and further in view of Irwin 3245687.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 18. (Currently Amended)Freedman does not discloses: wherein the image is incorporated in between two transparent foil layers however, Irwin discloses: that the opaque area (the images on the card) may be produced on the cards by printing or other methods(**col 2, In 33-42**) therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freedman's cards as taught by Irwin for the reason that a skilled artisan would be motivated to do so merely as a way to creating the transparent card with the images thereon.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Green US 5299805 plurality of transparent puzzle cards with images thereon; Duveyoung US 4362301 puzzle game with transparent cards and method of playing the game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMIR KLAYMAN whose telephone number is (571)270-7131. The examiner can normally be reached on Mo. - Fr. (7:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AK/

10/23/2008

/Marvin M. Lateef/

Supervisory Patent Examiner, Art Unit 4157

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